

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Eric Smith,

Case No. 23-CV-2196 (JMB/LIB)

Plaintiff,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

City of Duluth, et al.,

Defendants.

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This matter is before the court on the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois dated February 21, 2024. (Doc. No. 7.) The R&R recommends that Plaintiff Eric Smith's Complaint under 42 U.S.C. § 1983 (Doc. No. 1) be dismissed without prejudice under Rule 41(b) for failure to prosecute. (*See* Doc. No. 7.) Smith did not file any objections to the R&R and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 7) is ADOPTED;
2. This matter is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 18, 2024

/s/ Jeffrey M. Bryan  
Judge Jeffrey M. Bryan  
United States District Court